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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,372

03/31/2004

Wow Wu

8228

25859

7590

10/16/2006

WEI TE CHUNG  
FOXCONN INTERNATIONAL, INC.  
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SANTA CLARA, CA 95050

EXAMINER

PAPE, ZACHARY

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action**  
**Before the Filing of an Appeal Brief**

Application No.

10/815,372

Applicant(s)

WU, WOW

Examiner

Zachary M. Pape

Art Unit

2835

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): the 112 and 103(a) rejections to claims 11-16.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,3-6,8-10,17 and 18.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See the document, "Detailed Action" attached hereto.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/29/2006 have been fully considered but they are not persuasive.

With respect to the Applicant's remarks to claims 1 and 6 that, "Bryant et al. reference fails to teach or suggest that the beams (44) having the fasteners (64, 50) are sandwiched between the base of the heat sink (32) and the circuit board", the Examiner respectfully notes that the claim language does not require that all beams surrounding the electronic component are sandwiched between the base and the circuit board, only that a plurality of beams surrounding the electronic component are sandwiched between the base and the circuit board. Bryant et al. meets such a limitation for at least the reason that beams 38a, 38b, 40a, and 40b are sandwiched between the base and the circuit board.

With respect to the Applicant's remarks to claims 1 and 6 regarding the longitudinal beams, the Examiner respectfully notes that the definition of longitudinal does not require that the referenced beams be longer than other beams, rather just that the beams are longitudinal in nature.

With respect to the Applicant's remarks to claims 1 and 6 that, "Bryant has excluded the circumstance of using the clip (40) of Lin et al." because, "Bryant et al. has excluded a circumstance of using metal leaf springs placed on each side of the heat sink and metal clips that span across the heat sink", the Examiner respectfully notes that it was never the Examiner's position that the leaf springs of Lin et al. also be

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combined with the Bryant et al. reference, rather just Lin's teaching of using an engaging means (62) to engage a cutout (26) in a heat sink to hold it in place.

With respect to the Applicant's remarks to claims 1 and 6 that, "it is not necessary for the retention tabs (46) of Bryant et al. to engage in the grooves (alleged cutouts not labeled) defined in the heat sink (32)", the Examiner respectfully notes that *Graham v. Deere* does not require that an item be required to make a combination, only that motivation be present:

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

In the present case the Examiner has clearly cited in the Lin et al. reference that combining the engaging means (62) with the cutouts (near 64) of Bryant et al. would firmly secure the heat sink to the electronic device (See Lin, Column 1, Lines 57-58).

With respect to the Applicant's remarks to claims 1 and 6 that, "there is no motivation in the combination cited... to reach these combinations" the Examiner respectfully directs the Applicant to the detailed action dated 7/26/2006, specifically pages 5, 6, 7-8 and 10 which all explicitly recite motivation contained within the respective reference.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZMP

  
**LISA LEA-EDMONDS**  
**PRIMARY EXAMINER**